

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. LCM-1331-334

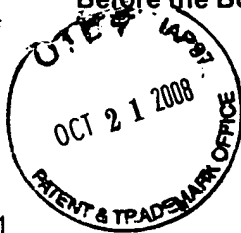
VON BORSTEL

Serial No. 09/763,955

Filed: February 28, 2001

Title: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



C# M#  
Confirmation No. 3848  
TC/A.U.: 1623

Examiner: Patrick T. Lewis

Date: October 21, 2008

Sir:

☐ Correspondence Address Indication Form Attached.

☒ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s).

\$540.00 (1401)/\$270.00 (2401) \$ 540.00

☐ An appeal **BRIEF** is attached in the pending appeal of the above-identified application

\$540.00 (1402)/\$270.00 (2402) \$ 0.00

☐ Credit for fees paid in prior appeal without decision on merits

-\$ ( 0.00)

☐ A reply brief is attached.

(no fee)

☐ Pre-Appeal Brief Request for Review form attached.

☒ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$130.00 (1251)/\$65.00 (2251)  
Two Month Extensions \$490.00 (1252)/\$245.00 (2252)  
Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)  
Four Month Extensions \$1730.00 (1254)/\$865.00 (2254) \$ 1110.00

☐ "Small entity" statement attached.

Less month extension previously paid on

-\$ ( 0.00)

**TOTAL FEE ENCLOSED \$ 1650.00**

☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**.

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NIXON & VANDERHYE P.C.  
By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: \_\_\_\_\_

LCM:lff 10/22/2008 DEMANDU1 00000003 09763955

01 FC:1401  
02 FC:1233

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